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STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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Dirk Kempthorne, Governor
C. Stephen Allred, Director

April 2, 2002

Mr. Donald M. Rasch
Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, ID 83401-1563

RE: Response to the DOE's March 15, 2002 letter concerning the "Existing Inventory" permit definition as applied to CERCLA wastes located at the INEEL Facility (EPA ID No. ID4E90008952)

Dear Mr. Rasch:

The Department of Environmental Quality (DEQ) has reviewed the Department of Energy (DOE) letter of March 15, 2002 concerning the application of the term existing inventory to waste in the Subsurface Disposal Area (SDA) of the Radioactive Waste Management Complex (RWMC) and other remediation sites on the Idaho National Engineering and Environmental Laboratory (INEEL).

DEQ agrees with the following DOE assertions:

1. The "existing inventory" definition found in the three RWMC-based Hazardous Waste Management Act (HWMA) permits applies only to the waste managed in the Transuranic Storage Area and not to waste previously disposed in the SDA. The waste in the SDA was disposed prior to the enactment of the Resource Conservation and Recovery Act (RCRA) and is therefore subject only to the RCRA/HWMA corrective action requirements. The corrective action requirements are being addressed through the 1991 Federal Facilities Agreement/Consent Order signed by the DOE, USEPA and the State of Idaho.
2. The waste currently in the SDA is not being "actively managed" under any of the existing RWMC/HWMA permits.
3. There are significant similarities between the waste buried in the SDA and the waste inventories found in the TSA units.
4. Management of CERCLA waste in the RWMC HWMA/RCRA permitted units, in accordance with the existing permit requirements, would be protective of human health and the environment.
5. The existing RWMC HWMA/RCRA permits will need to be modified to allow for the receipt, storage, characterization, and treatment of CERCLA remediation waste in the permitted units.

Receipt of any partially characterized waste not specifically allowed by existing permits will be subject to a "yet to be determined" minimum level of characterization prior to acceptance (e.g. compatibility, free liquids). Provided such wastes meet the minimum acceptance criteria, it may then

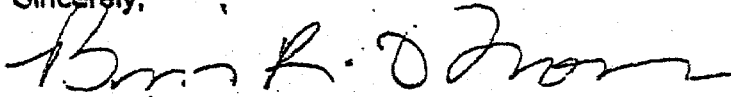
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be possible to accept the subject waste for additional characterization, subject to timeframes that will need to be established in the permit.

The DEQ is committed to working with the DOE to provide regulatory compliant means for receipt, characterization, treatment and/or storage of wastes at the INEEL. If you intend to proceed with movement of non-RCRA wastes to permitted facilities at RWMC, please contact Brian English to discuss what permit modifications would be necessary.

If you have any other questions regarding this matter, you may contact Bob Bullock at 208 373-0502.

Sincerely,



Brian Monson
Hazardous Waste Program Manager
Waste Management & Remediation Division

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cc: INpg;
Rensay Owen, IFRO
Kathleen Trever, INEEL Oversight
Ronald H. Guymon, BBWXT